

IN THE CIRCUIT COURT OF MILLER COUNTY, ARKANSAS

KIMBERLY COOK

PLAINTIFF,

vs.

GROACH ASSOCIATES #55 LIMITED  
PARTNERSHIP d/b/a FOX CREEK  
APARTMENTS,

DEFENDANT.

MARY PAULINE BYRNE  
CIRCUIT CLERK  
DEPUTY  
2015 MAR - 3 P 1:50

FILED

NO. 46CV-15-48-2

COMPLAINT

COMES NOW the Plaintiff, Kimberly Cook by and through her undersigned attorney, and for her complaint against Groach Associates #55 Limited Partnership d/b/a Fox Creek Apartments would show the Court the following:

1. Plaintiff is a resident of Bowie County, Texas
2. Defendant is an Arkansas Corporation doing business in Miller County, Arkansas.
3. The accident complained of occurred in Miller County, Arkansas.
4. On June 4, 2014, Plaintiff sustained bodily injuries hereinafter described as the direct and proximate result of the negligence of Defendant. The injuries and damages suffered by Plaintiff and made the basis of this action arose out of an occurrence on June 4, 2014, at Defendant's premise in Miller County, Arkansas. At such time and place, Defendant provided a cart to Plaintiff to move belongings and Plaintiff pulled the

---

COMPLAINT  
Kimberly Cook vs. Groach Associates #55 Limited Partnership d/b/a Fox Creek Apartments

cart across a well worn path in the grass as it was the best way to pull the cart and Plaintiff stepped into a raised concrete sidewalk which was concealed by grass. The action of Defendant was negligent in failing to use care for the safety of others and such negligence was a proximate cause of Plaintiff's damages.

5. The incident described above, and the resulting injuries and damages suffered by Plaintiff, were proximately caused by the negligent conduct of Defendant in one or more of the following respects:

- a. Failure to exercise care for the safety of others;
- b. Failure to correct a dangerous condition on said premises while Defendant was aware, or should have been aware of the dangerous condition;
- c. Failure to maintain a safe environment for individuals on the premises;
- d. Providing equipment that was unsafe to use on the existing premises.

Each of these acts and omissions, singularly or in combination, constituted negligence which proximately caused the occurrence made the basis of this action and the Plaintiff's injuries and damages as described below.

6. As a result of the negligence of Defendant, Plaintiff suffered severe bodily injuries to her knee, leg and back. As a further result of the negligence of Defendant, and the injuries described above, Plaintiff has incurred expenses for medical care and attention in excess of \$33,505.00. These expenses incurred were necessary for the care and treatment of the injuries sustained by Plaintiff, and the charges made and to be made were the usual and customary charges for such services in Miller County, Arkansas.

---

COMPLAINT

Kimberly Cook vs. Graoch Associates #55 Limited Partnership d/b/a Fox Creek Apartments

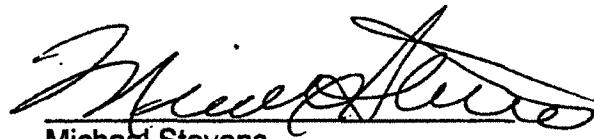
Page 2

Plaintiff will require further medical care and attention and will necessarily incur reasonable expenses in the future for such medical needs. In addition, Plaintiff suffered lost wages in the amount of \$2,800.00. Plaintiff has suffered damages for pain, suffering and mental anguish all to her damages in the amount of \$250,000.00.

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff requests that Defendant be cited to appear and answer, and that on final trial Plaintiff have:

1. Judgment against Defendant for the amount of her damages.
2. Prejudgment and post judgment interest as provided by law.
3. Cost of suit.
4. Such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,



Michael Stevens  
Attorney at Law  
410 N. State Line Avenue  
Texarkana, AR 71854  
(870) 773-0751 (Office)  
(870) 773-0756 (Facsimile)  
State Bar No. 76187

ATTORNEY FOR PLAINTIFF

---

**COMPLAINT**

Kimberly Cook vs. Graoch Associates #55 Limited Partnership d/b/a Fox Creek Apartments

Page 3

IN THE MILLER COUNTY CIRCUIT COURT, ARKANSAS  
EIGHT SOUTH CIRCUIT DIVISION 2

COPY

KIMBERLY COOK V GROACH ASSOC #55 DBA FOX CREEK APT

46CV-15-48-2

**SUMMONS**

**THE STATE OF ARKANSAS TO DEFENDANT:**

GROACH ASSOCIATES # 55 LIMITED PARTNERSHIP  
Dba FOX CREEK APARTMENTS  
C/O THE CORPORATION COMPANY, REGISTERED AGENT

A lawsuit has been filed against you. The relief demanded is stated in the attached complaint. Within 30 days after service of this summons on you (not counting the day you received it) — or 60 days if you are incarcerated in any jail, penitentiary, or other correctional facility in Arkansas — you must file with the clerk of this court a written answer to the complaint or a motion under Rule 12 of the Arkansas Rules of Civil Procedure.

The answer or motion must also be served on the plaintiff or plaintiff's attorney, whose name and address are:

MICHAEL STEVENS  
410 N STATE LINE AVENUE  
TEXARKANA AR 71854

If you fail to respond within the applicable time period, judgment by default may be entered against you for the relief demanded in the complaint.

Additional notices:

CLERK OF COURT

Address of Clerk's Office

MARY PANKEY, CIRCUIT CLERK  
MILLER COUNTY CIRCUIT COURT  
400 LAUREL ST #109  
TEXARKANA, AR 71854

By: \_\_\_\_\_, DC  
Penny D. Kilcrease, Miller Co.  
Circuit Clerk's Office

Date: March 9, 2015

[SEAL]

No. 46CV-15-48 This summons is for GROACH ASSOCIATES # 55 LIMITED PARTNERSHIP (name of Defendant).

**PROOF OF SERVICE**

I personally delivered the summons and complaint to the individual at \_\_\_\_\_ [place] on \_\_\_\_\_ [date]; or

I left the summons and complaint in the proximity of the individual by \_\_\_\_\_ after he/she refused to receive it when I offered it to him/her; or

I left the summons and complaint at the individual's dwelling house or usual place of abode at \_\_\_\_\_ [address] with \_\_\_\_\_ [name], a person at least 14 years of age who resides there, on \_\_\_\_\_ [date]; or

I delivered the summons and complaint to \_\_\_\_\_ [name of individual], an agent authorized by appointment or by law to receive service of summons on behalf of \_\_\_\_\_ [name of defendant] on \_\_\_\_\_ [date]; or

I am the plaintiff or an attorney of record for the plaintiff in this lawsuit, and I served the summons and complaint on the defendant by certified mail, return receipt requested, restricted delivery, as shown by the attached signed return receipt.

I am the plaintiff or an attorney of record for the plaintiff in this lawsuit, and I mailed a copy of the summons and complaint by first-class mail to the defendant together with two copies of a notice and acknowledgment and received the attached notice and acknowledgment form within twenty days after the date of mailing.

Other [specify]: \_\_\_\_\_

I was unable to execute service because:  
\_\_\_\_\_  
\_\_\_\_\_

My fee is \$ \_\_\_\_.

To be completed if service is by a sheriff or deputy sheriff:

Date: \_\_\_\_\_ SHERIFF OF \_\_\_\_\_ COUNTY, ARKANSAS

By: \_\_\_\_\_  
[Signature of server]

[Printed name, title, and badge number]

To be completed if service is by a person other than a sheriff or deputy sheriff:

Date: \_\_\_\_\_ By: \_\_\_\_\_  
[Signature of server]

[Printed name]

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Subscribed and sworn to before me this date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Additional information regarding service or attempted service:  
\_\_\_\_\_  
\_\_\_\_\_

Return filed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

MARY PANKEY, CIRCUIT CLERK

By: \_\_\_\_\_ D.C.  
Penny D. Kilcrease, Miller Co. Circuit  
Clerk's Office